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FILED.

DATED: 2:44 pm, December 10, 2021

U.S. MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:21-mj- 01027-DJA

Plaintiff,

SEALED COMPLAINT

for violations of:

Conspiracy to Commit Mail Fraud (18 U.S.C. § 1349)

Aggravated Identity Theft (18 U.S.C. § 1028A(a)(1))

LUIGI J. MONTES,

ALEXANDER HOYOS RIVERA, and

PETER ALEXANDER STINCER.

Defendants.

BEFORE the United States Magistrate Judge, Las Vegas, Nevada, the undersigned
Complainant, being duly sworn, deposes and states:

COUNT ONE

Conspiracy to Commit Mail Fraud
(18 U.S.C. § 1349)

1. From on or about at least March 1, 2020 to on or about at least January 6, 2021, in the State and Federal District of Nevada and elsewhere,

LUIGI J. MONTES,
ALEXANDER HOYOS RIVERA, and
PETER ALEXANDER STINCER.

1 defendants herein, did knowingly and willfully conspire with each other and others known
2 and unknown, including Alan Ray, to commit the crime of Mail Fraud in violation of 18
3 U.S.C. § 1341.

4 2. The object of the conspiracy was to participate in and devise and intend to
5 devise a scheme and artifice to defraud and for obtaining money and property by means of
6 materially false and fraudulent pretenses, representations, and promises from the Nevada
7 Department of Employment, Training, and Rehabilitation (“DETR”) and the California
8 Employment Development Department (“EDD”).

9 3. In furtherance of the conspiracy, defendants and coconspirators fraudulently
10 applied for and received unemployment insurance benefits from DETR and EDD using
11 personal identifying information of other individuals without authorization and without
12 knowledge and approval of the individuals involved. Defendants and coconspirators
13 received said unemployment benefits in the form of debit cards, issued by DETR and EDD
14 in the names of the individuals whose identities were fraudulently used, where the benefits
15 were disbursed into the accounts associated with said debit cards.

16 4. In furtherance of the conspiracy, to ensure that they would receive said debit
17 cards, the conspirators had the cards sent to mailing addresses they had access and control,
18 instead of the actual addresses of the individuals whose identities they stole. The
19 conspirators then withdrew the fraudulently obtained unemployment benefits by using said
20 debit cards at various ATMs around the country, including ATMs located in Nevada,
21 California, Texas, and elsewhere.

22 5. In furtherance of the conspiracy, on or about October 27, 2020 at a business
23 center located within the Wynn Casino and Resorts in Las Vegas, Nevada, MONTES and
24 Ray deposited and caused to be deposited a package to be sent and delivered by a private

and commercial interstate carrier, namely UPS, to a mailing address in Texas, where Ray resided. Said package contained, among other things, twenty-four (24) fraudulently obtained DETR and EDD debit cards.

6. All in violation of 18 U.S.C. § 1349.

COUNTS TWO TO FOUR
Aggravated Identity Theft
(18 U.S.C. § 1028A(a)(1))

7. From on or about at least March 1, 2020 to on or about at least January 6, 2021, in the State and Federal District of Nevada and elsewhere,

LUIGI J. MONTES,
ALEXANDER HOYOS RIVERA, and
PETER ALEXANDER STINCER,

defendants herein, and others known and unknown, did knowingly transfer, possess, and use, without lawful authority, the means of identification of another person described below, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), that is, the violation of 18 U.S.C. § 1349 as described in Count One, knowing that the means of identification belonged to an actual person:

COUNT	MEANS OF IDENTIFICATION
TWO	an EDD debit card issued in the name of M.G.
THREE	an EDD debit card issued in the name of R.R.
FOUR	an EDD debit card issued in the name of R.P.

All in violation of 18 U.S.C. § 1028A(a)(1) and 2.

PROBABLE CAUSE

Complainant, Christina D. Burt, states the following as and for probable cause:

8. I am a Special Agent of the FBI, and have been since April 1999. I am a graduate of the New Agents Training Program conducted at the FBI Academy in Quantico, Virginia. Currently, I am assigned to the Las Vegas Field Office and responsible for

1 investigating crimes involving public corruption, civil rights, and fraud against the
2 government. I have also investigated numerous white collar crimes and attended numerous
3 related trainings. As part of my training and experience, I have participated and written
4 warrants and affidavits, which involved electronic evidence, e-mails, text messages, and the
5 internet. I have experience in conducting criminal investigations, conducting interviews
6 with witnesses, defendants and plaintiffs, collecting and handling evidence. I have also
7 conducted surveillances, financial analysis of individuals, and collaborated with other law
8 enforcement agencies and enacted arrests in connection with fraud investigations.

9 9. The following information contained within this Criminal Complaint is based
10 upon my own participation in this investigation, as well as information and reports provided
11 to me by other law enforcement personnel. This statement does not include any and all
12 information in reference to this investigation, but rather only those facts necessary to
13 establish probable cause.

Background on this Conspiracy

15 10. This case arises out of the same investigation that led to the filing of a
16 criminal complaint against Alan Ray in *United States v. Ray*, Case No. 2:20-mj-1098-VCF
17 (D. Nev. filed Dec. 18, 2020), to which I also served as the affiant. In that case, Ray was
18 caught attempting to ship a package, from the business center of the Wynn Casino and
19 Resort to his own residence in Texas, that contained “among other things, (1) 24
20 unemployment insurance benefits debit cards from [DETR] and [EDD], all in different
21 names, including the cards for M.G., C.H., and I.A.; (2) two notebooks containing the
22 personal identifying information (‘PII’) of more than 80 individuals, including the PII of all
23 24 debits cards in the package; (3) four mailbox rental applications in the name of A.R. and
24 the associated mailbox keys; (4) a New Mexico driver’s license in the name of A.R.; (5) a

1 photocopy of a Puerto Rico cannabis dispensary card in the name of S.R., listing a Puerto
2 Rico address; and (7) a laptop computer.” *Id.*, ECF No. 1, at 3-4.

3 11. The Ray complaint further alleged that “investigation by Wynn via
4 surveillance footage revealed that the shipper was an individual who had checked into the
5 Wynn using the name S.R.—presenting a Canadian passport in the name of S.R. at that
6 time—and verbally represented himself to be S.R. at another store in the hotel about an
7 hour later after shipping the package. S.R. was staying at the hotel with another individual
8 using the name L.M., as Wynn’s records show that they checked into the same room
9 together, Room 3760. Wynn identified L.M. standing outside of the business center when
10 the package was being shipped.” *Id.* at 4. L.M. referred to the defendant in the instant
11 matter, Luigi J. MONTES. As the Ray complaint later revealed, S.R. was determined to be
12 Alan Ray. *Id.* at 6. Further investigation revealed that MONTES is Ray’s cousin, and also
13 lives in the same Texas area as Ray.

14 12. The Ray complaint also alleged that “I obtained from DETR and EDD
15 claims data associated with the PII found in the recovered notebooks, and confirmed that at
16 least 60 claims were filed using said PII. I also contacted and interviewed by telephone three
17 individuals, the aforementioned M.G., C.H., and I.A., whose names were found on the
18 EDD debit cards recovered. They all verified that the dates of birth and Social Security
19 Numbers used to apply for unemployment insurance benefits in their names belonged to
20 them, and they had no knowledge nor authorized anyone to use their PII to apply for EDD
21 benefits on their behalf. They likewise informed me that they do not live in California, have
22 never been to California, and did not submit claims to the EDD.” *Id.* at 7. The Ray
23 complaint went on to allege that “[t]he 24 DETR and EDD debit cards found in the
24 package were approved for at least \$465,230 in unemployment insurance benefits. The other

1 PII found in the two notebooks were identified to have been used to apply for claims that
2 were approved for at least another \$468,899 in benefits, for a total of \$934,129 in approved
3 benefits. Some claims, although not approved, involved at least another \$215,121 in benefits
4 had the claims been approved. In total, the claims submitted using the PII found in the two
5 notebooks implicated \$1,149,250 in actual and potential benefits.” *Id.* at 7-8. Based on the
6 allegations made in the Ray complaint, Ray was charged with Possession of Counterfeit and
7 Unauthorized Access Devices in violation of 18 U.S.C. § 1029(a)(3).

8 13. Bank records show that the last known transaction made on the fraudulently
9 obtained debit cards took place on January 6, 2021.

MONTES' Participation in the Conspiracy

11 14. The investigation has uncovered evidence that MONTES participated in
12 Ray's fraudulent scheme. First, evidence revealed that in addition to having accompanied
13 Ray when Ray shipped the aforementioned package containing fruits and instrumentalities
14 of the fraud, MONTES, wearing a white Wynn hat, was also present with Ray when Ray
15 made withdrawals at ATMs here in Las Vegas using the aforementioned fraudulently
16 obtained debit cards:



24 ATM Photo of Withdrawal Using Debit Card in the Name of M.G. on October 26, 2020 in Nevada



10 *ATM Photo of Withdrawal Using Debit Card in the Name of P.S. on October 25, 2020 in Nevada*

11 15. Investigation into the unemployment claims filed using the PII contained
12 within the two recovered notebooks revealed that MONTES himself used at least one of the
13 debit cards fraudulently obtained, an EDD debit card issued in the name of R.R., to make
14 ATM withdrawals in Texas where he resides. Below are several photos of MONTES making
15 withdrawals using the R.R. debit card while wearing the same style mask and Wynn hat he
16 wore in the pictures above:



24 *ATM Photo of Withdrawal Using Debit Card in the Name of R.R. on November 28, 2020 in Texas*



11 *ATM Photo of Withdrawal Using Debit Card in the Name of R.R. on December 11, 2020 in Texas*



22 *ATM Photo of Withdraw Using Debit Card in the Name of R.R. on December 14, 2020 in Texas*

23 16. In total, MONTES made 25 withdrawals structured exactly \$1,000 each
24 between November 15, 2020 and December 14, 2020, essentially emptying out the account.

1 In my experience in investigating unemployment insurance fraud during the COVID-19
2 pandemic, that is a common technique used by fraudsters when withdrawing fraudulently
3 obtained benefits from ATMs.

4 17. I obtained MONTES's most recent Texas driver's license photo and the
5 image is consistent with the visible portions of the masked man in the ATM photos above.
6 In order to further confirm that MONTES is the person in these ATM photos, I sought to
7 obtain further proof that he was present at these ATM withdrawals. MONTES had left a
8 contact number with the Wynn during his stay there. Further investigation confirmed this to
9 be his phone number, as I was able to identify a personal Wells Fargo bank account in his
10 name, which was registered using the same phone number as the one he had used at the
11 Wynn.

12 18. I then obtained a federal search warrant for the historical location data of said
13 phone number and compared that data to the locations of the ATM withdrawals made above
14 using R.R.'s card. I found many instances where MONTES' cell phone was located in the
15 vicinity of the various ATM withdrawals at the time of those withdrawals, including all four
16 withdrawals pictured above.¹ The ATMs where MONTES made the withdrawals pictured
17 above were all within a short drive of the residence identified on his Wells Fargo bank
18 account statements.

19 19. Based on the above facts, there is probable cause to believe that MONTES is
20 in a conspiracy with Alan Ray, in which they fraudulently obtained unemployment benefits
21 in the name of R.R., which MONTES then personally withdrew using a debit card issued in
22 R.R.'s name.

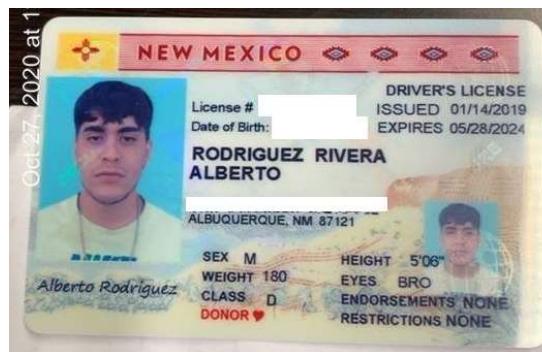
23

24¹ I was unable to determine whether MONTES' cell phone was located at every withdraw because during some withdraws, there were no cellphone data for which to compare.

1 ALEXANDER HOYOS RIVERA's Participation in the Conspiracy

2 20. As the content of the Wynn package suggested, the conspirators appeared to
 3 have rented commercially available mailboxes using alternate identities to receive these
 4 fraudulently obtained debit cards. Investigation revealed the R.R. card was mailed to one
 5 such mailbox: mailbox 142 inside an UPS store located at 13536 Lakewood Boulevard,
 6 Bellflower, California 90706.

7 21. This mailbox had been rented on September 2, 2020 using the following New
 8 Mexico driver's license recovered from inside the Wynn package:



14 22. Further investigation revealed that this license was a fake, as the license
 15 number did not exist according to the New Mexico motor vehicle division. Instead, the
 16 individual pictured in the New Mexico driver's license above is Alexander Hoyos RIVERA,
 17 who has both Puerto Rico and Ohio driver's licenses. Below are the driver's license photos
 18 from those licenses:



24 *Photos from RIVERA's August 2019 Puerto Rico license (left) and October 2021 Ohio license (right)*

1 23. In reviewing the ATM withdraw photos of the fraudulently obtained debit
2 cards, I found at least two instances where RIVERA himself made withdrawals using these
3 cards in or near Los Angeles, California on September 2, 2020:



12 *ATM Photos of Withdraw Using Debit Card in the Name of L.F. on September 2, 2020 in California*



23 *ATM Photo of Withdraw Using Debit Card in the Name of C.C. on September 2, 2020 in California*

1 24. In addition, data recovered from Ray's cellphone, obtained via a federal
2 search warrant, contained an email, sent to Ray's email account, of a plane ticket purchased
3 for RIVERA for a trip from Los Angeles, California to San Juan, Puerto Rico on September
4 5, 2020. That date was only a few days after the dates on the mailbox rental applications
5 recovered from Ray's UPS package, rented using the fake New Mexico driver's license
6 stated above, and three days after the ATM withdraws shown above made by RIVERA in
7 California.

8 25. RIVERA's involvement in this conspiracy is consistent with other evidence in
9 this investigation, as most of the PII used to obtain fraudulent unemployment benefits were
10 of residents of Puerto Rico.

11 26. Based on the above facts, there is probable cause to believe that RIVERA is in
12 a conspiracy with Alan Ray to fraudulently obtain unemployment benefits using other
13 people's PII.

14 PETER ALEXANDER STINCER's Participation in the Conspiracy

15 27. I was also able to identify an additional coconspirator, defendant Peter
16 Alexander STINCER, by reviewing records of the EDD claims filed using the identities in
17 Ray's notebooks recovered from the Wynn. Five such claims, including successful claims in
18 the names of R.P. and J.M., identified their mailing address as the address indicated on
19 STINCER's California driver's license. These claims using STINCER's address were also
20 filed using the same IP address as seven other claims (for a total of 12 claims) that used
21 identities from the Wynn notebooks. All 12 of these claims were filed on the same two
22 consecutive days. The debit card for one of these seven claims was shipped to the same
23 commercial mailbox, rented by RIVERA, as the R.R. card noted above used by MONTES.

28. I obtained the following photo from STINCER's California driver's license:



STINCER's California driver's license photo

29. In reviewing the ATM withdraw photos of the fraudulently obtained debit cards, I found several instances where STINCER made withdrawals using the R.P. and J.M. debit cards in California, including the following:



ATM Photo of Withdraw Using Debit Card in the Name of J.M. on August 9, 2020 in California



12 *ATM Photo of Withdraw Using Debit Card in the Name of J.M. on August 9, 2020 in California*



24 *ATM Photo of Withdraw Using Debit Card in the Name of R.P. on August 25, 2020 in California*

1 30. I was able to locate victim R.P. in Puerto Rico, who confirmed the PII used to
2 file the EDD claim in her name in fact belonged to her, but she does not live in California,
3 has never lived or worked in California, has never filed for unemployment benefits in
4 California, and did not give anyone permission to file for benefits on her behalf in
5 California. Likewise, I was able to locate victim R.R. who confirmed the same as above.

6 31. In sum, MONTES, RIVERA, and STINCER were observed withdrawing
7 money using EDD debit cards issued to individuals whose PII were found in the notebooks
8 recovered in the package Ray attempted to mail at the Wynn while accompanied by
9 MONTES. The notebooks indicated that claims were in fact filed using these PII, which
10 were confirmed by the withdraws. Moreover, RIVERA appears to have used a fake New
11 Mexico driver's license, found inside the Wynn package, to rent commercially available
12 mailboxes used to receive the fraudulently obtained debit cards, at least one of which ended
13 up in MONTES' possession.

14 32. Based on the above, I believe there is probable cause that, on or about the
15 dates above, Luigi J. MONTES, Alexander Hoyos RIVERA, and Peter Alexander
16 STINCER did commit violations of 18 U.S.C. § 1349 (Conspiracy to Commit Mail Fraud)
17 and 18 U.S.C. § 1028A(a)(1) (Aggravated Identity Theft).

Christina D. Burt
Christina D. Burt, Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements
of Fed. R. Crim. P. 4.1 by telephone on December 10th, 2021

HONORABLE DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

